



Pennsylvania Department of Environmental Protection

2 East Main Street
Norristown, PA 19401
September 13, 2007

Southeast Regional Office

Phone: 484-250-5920
Fax: 484-250-5921

Mr. John C. Ponticello
Refinery Manager
ConocoPhillips Company
4101 Post Road
Trainer, PA 19061

Re: United States et al. versus ConocoPhillips
Company
Civil Action No. H-05-0258
(S.D. Texas December 5, 2005)
LDAR Deadline Noncompliance

Dear Mr. Ponticello:

The Department of Environmental Protection received ConocoPhillips' (COPC) July – December 2006 Consent Decree Progress Report for the Trainer Refinery dated January 31, 2007. The Department of Environmental Protection (Department) completed its review of the report as part of an inspection of the leak detection and repair program (LDAR) on June 29, 2007. This report identified numerous components for which first attempts at repair were not completed within five days and final repairs were not completed within 30 days. A stipulated penalty in the amount of \$50,500 is being assessed for these violations of COPC's Federal Consent Decree.

As specified in paragraph 237, the Consent Decree requires COPC to make a first attempt to repair and remonitor all components leaking in excess of the internal leak definitions within five calendar days. COPC is also required to complete the repairs and remonitor the components or place them on the delay-of-repair list within 30 days. Paragraph 359 states that the stipulated penalty for noncompliance with these requirements is \$500 per component, up to \$10,000 per month.



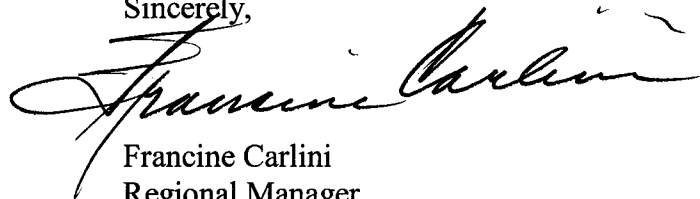
In the semiannual progress report, COPC listed "late first repair attempt" and "late final repairs" for each quarter. The Department examined this information and determined that the numbers of components tabulated below were not repaired in the required time frames. Each violation occurred in the month when the attempt or repair was due. The stipulated penalty is calculated from the total number of components that did not meet the 5 and/or 30-day deadlines.

Month 2006	5-day Attempts	30-day Repairs	Total Count	Stipulated Penalty
August	3	0	3	\$1,500
September	41	1	42	10,000
October	28	6	34	10,000
November	7	34	41	10,000
December	0	18	18	9,000
January	0	29	29	10,000
			Total	\$50,500

Pursuant to paragraph 376 of the Consent Decree, consider this letter a written demand for stipulated penalties in the amount of \$50,500. COPC shall split (50 percent to each) the stipulated penalties between the United States and the Commonwealth of Pennsylvania and shall submit the payment of penalty in accordance with the provisions in paragraphs 377 and 284 of the Consent Decree.

If you have any questions concerning this matter, please feel free to contact me at the above address or telephone number.

Sincerely,



Francine Carlini
Regional Manager
Air Quality

cc: Chief, Environmental Enforcement Section - U.S. Department of Justice
Director, Air Enforcement Division - U.S. Environmental Protection Agency
Chief, Air Enforcement Branch - EPA, Region III
Mr. Brown
Enforcement File
Matrix Engineering (electronically)
Mr. Jackson, EPA (electronically)
Mr. Foley, EPA (electronically)
Mr. Augustine - EPA, Region III (electronically)
Mr. Bhatte, ConocoPhillips (electronically)
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